IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

THURSDAY, THE EIGHTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 11599 of 2004

Between:

M.Rajesham, S/o Rama Swamy,
APSRTC, Mancherial Bus Depot, Adilabad District

..... PETITIONER

AND

1 The Regional Manager, APSRTC, Adilabad Region, Adilabad, Adilabad district
2 The Depot Manager, APSRTC Mancherial Bus Depot, Adilabad, Adilabad District

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order, direction or writ more particularly one in the nature of Writ of Mandamus declaring the action of the 2nd respondent in issuing the Proceedings No.P3/2(13)/96 MNCL dt. 13/11/1998 as illegal, arbitrary and unjust and consequently set aside the proceedings No.P3/2(13)/96 MNCL dt. 13/11/1998, issued by the 2nd Respondent.

Counsel for the Petitioner:MR.G.RAVI MOHAN

Counsel for the Respondents: SMT.G.JYOTHI KIRAN, Standing Counsel for APSRTC

The Court made the following Order:

While the petitioner was driving the vehicle bearing No.AP9Z 7535 on 02-04-1997, an accident was occurred. On the said allegation, a charge sheet was issued to him. Not satisfying with the explanation offered by him to the said charge sheet, the second respondent passed a final order dated 13-11-1998 by imposing a punishment of deferment of two increments with cumulative effect. Aggrieved by the same, he filed an appeal before the first respondent-appellate authority on 02-01-1999 but the first respondent has not passed any orders. Hence, the petitioner preferred the present writ petition.

The petitioner stated in the affidavit filed in support of the petition that he filed an appeal before the appellate authority on 02-01-1999 but no orders have been passed. In respect of the same question, two parallel proceedings cannot be prosecuted. Therefore, it is for the first respondent to pass appropriate orders on the appeal filed by the petitioner, if it is pending.

In view of the above, the writ petition is disposed of directing the first respondent to dispose of the appeal filed by the petitioner, if it is pending, within a period of two months from the date of receipt of a copy of this order. In the circumstances, no costs.

8th JULY, 2004.

Kvni

To

1 The Regional Manager, APSRTC, Adilabad Region, Adilabad, Adilabad district.
2 The Depot Manager, APSRTC Mancherial Bus Depot, Adilabad, Adilabad District.
3 Two CD copies.